THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2671 of 2005

-

Dated 07.11.2005

Between:

M/S Bhole Baba Milk Food Industries Limited,

H.No.15-8-317, First Floor, Near S.B.I.Branch,
Feelkhana, Begum Bazar, Hyderabad,

rep.by its Director, Shri Hari Shankar Agarwal.

..... PETITIONER

AND

Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

.....RESPONDENTS

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2671 of 2005

ORAL ORDER: (per Sri BRSR,J)

For the very same reasons recorded in W.P.No.12656 of 2004, the impugned proceedings dated 9.6.2004 on the file of the Commissioner of Commercial Taxes

are quashed. Consequently, the notice of provisional monthly assessment and demand dated 30.6.2004 to the extent of imposing or proposing to impose tax on the skimmed milk powder is declared illegal and ultra vires. The petitioner is entitled for the said relief.

The writ petition is accordingly allowed with costs quantified at Rs.2,000/-.

(B.SUDERSHAN REDDY,J)

dated 07..11..2005

(S.ANANDA REDDY,J)

msv.